

13281 U.S. PTO
040804

PATENT
Attorney Docket 056100-5005-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent and Trademark Office
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17497 U.S. PTO
10/820202
040804

CONTINUATION PATENT APPLICATION TRANSMITTAL
UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a Continuation patent application under 37 C.F.R. § 1.53(b).

1. This application is a Continuation Patent Application under 37 C.F.R. § 1.53 of pending prior application No. 09/117,921 filed on March 4, 1999 of:

Inventors: 1. Pierre Broun, Burlingame, California;
2. Frank Van de Loo, Lyons, Australia;
3. Sekhar S. Boddupalli, Manchester, Missouri; and
4. Chris Somerville, Portola Valley, California.

For: **Production of Hydroxylated Fatty Acids in Genetically Modified Plants**

Prior Application: 09/117,921
Examiner: Elizabeth F. McElwain
Group Art Unit: 1638

2. The papers enclosed are as follows:

A new continuation application:
102 Pages of specification including
74 Pages of description
23 Pages of sequence listing
05 Pages of claims
15 Sheets of Drawings (Figures 1-11)

3. Oath or Declaration: A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered a part of the disclosure of the accompanying application and is hereby incorporated by reference herein.

4. Relate Back (35 U.S.C. § 120): Please see the attached Preliminary Amendment.

5. Assignment: The prior application is assigned of record to: the Carnegie Institution of Washington at Reel/Frame 9828/0524 on March 4, 1999 and to Monsanto Company, Inc. at Reel/Frame 9828/0537 on March 4, 1999
6. Extension of Time in Parent Application No. 09/117,921: For the purpose of maintaining copendency between Application No. 09/117,921 and the present application, Applicants petition for five-month extension of time from November 8, 2003 to April 8, 2004, the fee for which is **\$2,010.00** as set out in 37 C.F.R. § 1.17(a). If Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a Petition therefor. The Commissioner is authorized to charge the necessary fees for such an extension to Deposit Account No. 50-0310.
7. Fee Calculation (37 C.F.R. § 1.16):

CLAIMS FOR FEE CALCULATION				
	Number Filed	Extra	at Rate of	Basic Fee \$770.00
Total Claims	34 – 20	14	\$ 18.00 each =	+\$0.00
Independent Claims	2 – 3	0	\$ 86.00 each =	+\$0.00
Multiple dependent claims			\$290.00	+\$0.00
Sub-total =				\$0.00
Reduction by ½ for filing by a small entity				
Total Filing Fee =				\$0.00

8. Fee Payment: The Commissioner is authorized to charge **\$2,010.00** to Deposit Account No. 50-0310 for payment of the **five-month extension of time fee for parent Application No. 09/117,921.**

The application filing fee is not being paid by at this time. This application is being filed under the provisions of 37 C.F.R. 1.53(f). Applicants await notification from the Patent and Trademark Office of the time set for paying the filing fee.

9. Additional Papers Filed:
 - (i) Copy of Declaration (4 pages)
 - (ii) Preliminary Amendment
 - (iii) Copy of recorded Assignment to Carnegie Institution of Washington
 - (iv) Copy of recorded Assignment to Monsanto Company, Inc.
 - (v) Copy of Revocation of Original Power of Attorney and Grant of New Power of Attorney (executed by Carnegie)
 - (vi) Copy of Revocation of Original Power of Attorney and Grant of New Power of Attorney (executed by Monsanto)
 - (vii) Copy of Notice Regarding Power of Attorney

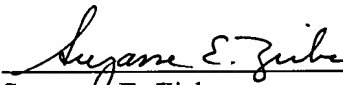
- (viii) Request to Transfer Substitute Sequence Listing
- (ix) Substitute Sequence Listing (13 pages)

10. The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number. Please address all correspondence to Morgan, Lewis & Bockius LLP at Customer No. 009629.
11. **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Please accord this new U.S. Continuation Application a serial number and filing date.

Dated: April 8, 2004
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Respectfully submitted,
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